



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRA-AD-383-2023 (O&M)
Date of Decision:-8.1.2025

Jxxx

... Appellant

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present:- Ms. Amrita Nagpal, Advocate for the appellant.

Mr. Ranvir Singh Arya, Addl.A.G. Haryana.

GURVINDER SINGH GILL, J.

CRM-51100-2023

The instant application has been filed seeking condonation of delay of 444 days in filing the present appeal.

As per the applicant/victim, the appeal had infact been filed on 6.2.2023, but was returned by the registry wherein certain objections were raised and was thereafter refiled on 3.10.2023. It is averred in the application that the applicant was suffering from financial crisis and on account of which the applicant could not immediately engage a counsel for the purpose of filing the appeal in time and that even subsequently when the appeal came to be filed and was returned on account of certain objections, the applicant due to financial

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constraints could not immediately come to Chandigarh to furnish requisite affidavits leading to delay in institution of appeal.

Notice of motion.

At this stage, Mr. Ranvir Singh Arya, Addl.A.G. Haryana, upon whom an advance copy of application had already been served, accepts notice on behalf of the respondent-State. Learned State counsel has expressed that he does not wish to file reply but has opposed the application.

In view of the reasons mentioned in the application, the same is allowed and delay of 444 days in filing the present appeal is condoned.

CRA-AD-383-2023 (Main Case)

1. The appellant/victim assails judgment dated 2.7.2022 passed by learned Additional Sessions Judge, Panipat vide which respondent No.2 – Deepak has been acquitted of all the charges framed against him in respect of FIR No.59, dated 22.3.2019 registered at Police Station Women, Panipat, under Section 4 of POCSO Act & Section 506 of Indian Penal Code.
2. The FIR in question came to be lodged by father of the victim, wherein it is alleged that his daughter (victim), who was born on 25.12.2003, disclosed to sister-in-law of the complainant that she was feeling acute pain in her abdomen and on account of which she was taken to hospital where doctor, upon her medical examination, revealed that complainant's daughter was carrying a pregnancy of 3 months. Upon being asked, the victim disclosed that Deepak who was residing in the neighbourhood, had been establishing forcible physical relations with her and on account of which she had become pregnant. The victim gave birth to a child on account of the alleged forcible physical relations



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(3)

made by the accused. The prosecution got conducted DNA examination, but as per the DNA examination report the DNA profile of baby of the victim did not match with the DNA profile of the accused. The Trial Court, thus relying upon report of DNA examination, acquitted the accused.

3. Learned counsel representing the appellant vehemently argued that since the statement of the victim had also been recorded in terms of provisions of Section 164 Cr.P.C., wherein she had stated identically as is the version in the FIR, therefore, there was no reason to discard her statement and that the Trial Court fell in error in acquitting the accused solely on the basis of report of DNA examination.
4. This Court has considered the aforesaid submissions and has also perused the impugned judgment.
5. It is the specific case of the victim and the complainant that the victim had been repeatedly subjected to forcible sexual intercourse by the accused leading to her pregnancy. However, the said version stands falsified from the report of DNA examination as per which although the DNA profile of the baby of the victim duly matched but the DNA profile of the baby of the victim did not match with the DNA profile of the accused. It is not the case of the prosecutrix that she had begotten child from anybody else other than the accused. The DNA examination test is an accurate test as has been held by Hon'ble the Supreme Court in judgment rendered in Santosh Kumar Singh Vs. State through CBI reported as (2010) 9 SCC 747. The prosecution version that accused had raped the victim leading to her pregnancy thus stands totally demolished.
6. No other point has been raised or urged before this Court. In view of the discussion made above, this Court does not find any infirmity in the impugned



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judgment, wherein the accused has been acquitted of all the charges framed against him. Finding no merit in the instant appeal, the same is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

8.1.2025
Pankaj

(VIKRAM AGGARWAL)
JUDGE

Whether speaking /reasoned	Yes/No
Whether Reportable	Yes/No